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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,485	03/30/2004	George Hardin	GH-PAT. APP	5533
<div>7590 Michael B. Jolly 1018 Preston, 4th Floor Houston, TX 77002</div>			<div>EXAMINER LAUX, JESSICA L</div>	
			<div>ART UNIT 3635</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 06/21/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/813,485	Applicant(s) HARDIN, GEORGE	
	Examiner Jessica Laux	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species I in the reply filed on 05/04/2007 is acknowledged.

Claims 10-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Claim Objections

Claims 1-9 are objected to because of the following informalities: the claims are replete with typographical errors including punctuation. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Reinke (4010590).

Regarding claim 1: Reinke discloses a shingle comprising:

a panel(10) having a first side edge and a second side edge and a front edge and a back edge, said panel being formed of a metallic material (Col. 2, lines 34-35), said panel having a fist hole (figure 5, element 44 on the left) formed adjacent said first side edge and a second hole (figure 5, element 44 on the right) formed adjacent said

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second side edge, said panel having a plurality of holes (figure 5, element 30) formed adjacent said back edge.

Regarding claim 5: said plurality of holes comprising three holes spaced evenly from each other and positioned on said panel between said first and second side edges (figure 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reinke (4010590) in view of Heroneme (2040111996) .

Regarding claim 2: Reinke discloses the panel above, but does not expressly disclose that the panel has a plurality of slots formed adjacent said front edge.

Heroneme discloses a panel having a plurality of slots (101) extending transversely to said front edge and extending partially toward said back edge. Furthermore it is noted that panels having partial slots is a common and well known feature in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the panel of Reinke to have partial slots as disclosed by Heroneme to provide and aesthetically pleasing appearance to the panel in an installed environment.

Claims 3-4 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Reinke (4010590) in view of Orie (4445305).

Regarding claim 3: Reinke discloses the panel above including a top and bottom surface, but does not disclose, each of said holes being surrounded by an indentation in said top surface extending outwardly as a protrusion on said bottom surface. Orie discloses holes at a first and second side of the panel with an indentation and corresponding protrusion surrounding the hole (figures 1 and 2), but Orie discloses that the indentation extends outwardly as a protrusion on the top surface, however it such a features is mere design choice as the panel will function equally well with the protrusion extending outwardly from the bottom or top surface. Furthermore it would have been obvious to one of ordinary skill in the art to modify the panel of Reinke to have the indentation as disclosed by Orie to better connect adjacent panels.

Regarding claim 4: the protrusion being nestable with the indentation of another panel positioned below said panel (figures 1 and 2).

Regarding claim 6: each of said plurality of holes being surrounded by another indentation in said top surface which extends outwardly as a protrusion on said bottom surface (figure 4, where each of the plurality of holes in a peak of a protrusion that extends downwardly).

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinke (4010590) in view of Jewett (2197803).

Regarding claims 7-9: Reinke discloses the panel above; Jewett discloses a metal panel having a elastomeric epoxy coating (Jewett – 14) affixed to a surface and

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granules (13) affixed to an opposite surface with a primer layer (11) interposed between the two and second primer layer (Col. 2, lines 17, the cement or similar) interposed between said elastomeric coating and said panel. It would have been obvious to one of ordinary skill in the art to modify the metal panel as disclosed by Reinke to have the surface treatment as disclosed by Jewett to create a more aesthetically pleasing, weatherproof and fireproof panel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 6:30am to 2:30pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/J.CHAPMAN/
PRIMARY EXAMINER
ART UNIT 3635

JL
06/8/2007